

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**CSX TRANSPORTATION, INC.,
individually and on behalf of
NORFOLK AND PORTSMOUTH BELT LINE
RAILROAD COMPANY,**

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-LRL

**NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,**

Defendants.

**DEFENDANT NORFOLK AND PORTSMOUTH BELT LINE RAILROAD
COMPANY'S RESPONSE TO CANNON MOSS MOTION TO DISMISS FOR
LACK OF SUBJECT MATTER JURISDICTION**

Norfolk and Portsmouth Belt Line Railroad Company ("NPBL") hereby responds to the Motion to Dismiss Defendant Cannon Moss under Fed. R. Civ. P. 12(h)(3) and 12(b)(1) for lack of subject matter jurisdiction. NPBL joins and supports the motion, and respectfully requests that the Court dismiss CSX Transportation Inc.'s claims against Cannon Moss.

Date: March 13, 2020

Respectfully submitted,

**NORFOLK PORTSMOUTH BELT LINE
RAILROAD COMPANY**

/s/ James L. Chapman

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CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2020, I electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system, which sent a notification of such filing (NEF) to the registered participants as identified on the NEF to receive electronic service, including:

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